

**ORDINANCE NO. 8-95**

**ORDINANCE NO. 8-95  
ZONING - TO DEFINE AND REGULATE EMERGENCY SHELTER FACILITIES**

**AN ORDINANCE** to amend Chapter 61 of the 1984 Detroit City Code by adding Section 320037 320085, 42.1300, 42.1301, 42.1302, 42.1303, 42.1304, 42.1305, 42.1306, 84.0320, 85.0320, 86.0320, and 95.0320 and by amending Sections 47.0108, 84.0302, 85.0113, 86.0109, 91.0135, 92.0135, 94.0135, 94.0320, 95.0135, and 118.0235 of Ord. 390-G, the Official Zoning Ordinance to define and regulate emergency shelter facilities.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

**Section 1.** Chapter 61 of the 1984 Detroit City Code be amended by adding Section 32.0037, 32.0085, 42.1300, 42.1301, 42.1302, 42.1303, 42.1304, 42.1305, 42.1306, 84.0320, 85.0320, 86.0320, and 95.0320 and by amending Section 47.0108, 84.0302, 85.0113, 86.0109, 91.0135, 92.0135, 94.0135, 94.0320, 95.0135, and 118.0235 of Ord. 390-G, the Official Zoning Ordinance as follows:

**32.0037 Emergency Shelter.** An emergency shelter is a facility which provides congregate style temporary lodging with or without meals and ancillary services on the premises to primarily the homeless for more than four (4) weeks in any calendar year. An emergency shelter does not provide such lodging to any individual (1) who is required because of age, mental disability or other reason to reside either in a public or private institution or (2) who is imprisoned or otherwise detained pursuant to either federal or state law. An emergency shelter shall be considered a different land use than adult foster care facilities, designated transitional housing, nursing homes, temporary emergency shelters, or warming centers. Emergency shelters are subject to licensing by the Consumer Affairs Department.

**32.0085 Shelter for Victims of Domestic Violence.** A shelter for victims of domestic violence is a residential facility providing temporary accommodation and support to victims of domestic violence with or without their minor children. Such shelter shall be operated by a non-profit, charitable, or religious agency which meets the pre-contract standards of the State of Michigan Domestic Violence Prevention and Treatment Board. Such shelter shall be considered a different land use than an adult foster care facility as defined in Section 32.0007C, a pre-release adjustment center as defined in Section 32.0071, and a substance abuse service facility as defined in Section 32.0097. For confidentiality and security of their locations, such shelters shall be permitted on a matter of right basis in certain zoning districts. Shelters for victims of domestic violence are subject to licensing by the Consumer Affairs Department and the provisions of Section 42.1306 of this Ordinance.

**42.1300 Emergency Shelters.** In light of the city's intent to address the needs of the homeless and in light of the city's intent to ensure that emergency shelters are dispersed throughout the city so as not to create an over-concentration of emergency shelters, adult foster care facilities, substance abuse treatment facilities, and pre-release adjustment centers in any community, the following provisions shall uniquely apply to permitted with approval land use cases involving emergency shelters, as defined in Section 32.0037. Except as noted below, the standards specified in Section 65.0400 shall not apply to cases involving emergency shelters; all other provisions of Section 65.0000, however, shall apply.

**42.1301 Spacing provisions for emergency shelters.** Any proposed emergency shelter shall be at least:

- A) Three Thousand (3,000) feet, measured radially, from any other such facility and from any public lodging house, as defined in Section 32.0076; and

B) Five Hundred (500) feet, measured radially, from any adult foster care facility, as defined in Section 32.0007C, any substance abuse service facility as defined in Section 32.0097, and any pre-release adjustment center, as defined in Section 32.0071.

C) **42.1302 Waiver of spacing provision for emergency shelters.** The Buildings and Safety Engineering Department and the Board of Zoning Appeals, upon appeal, may waive the preceding spacing provisions, where the proposed use satisfies all the permitted with approval standards provided in Section 65.0400.

**42.1303 Capacity limitations for emergency shelters.** The maximum capacity of an emergency shelter shall be specified by the Buildings and Safety Engineering Department, but in no case shall that capacity exceed fifty (50) persons in the R4, R5, and B4 zoning districts; that capacity may exceed fifty (50) persons in the R6 and B5 zoning districts, only. Requests for emergency shelters in the R4, R5, or B4 zoning districts, having a capacity in excess of fifty (50) persons, shall be heard by the Board of Zoning Appeals as a use variance, subject to Section 62.0403, or as a change of nonconforming use, subject to Section 53.0000.

**42.1304 Standards for emergency shelters, permitted with approval.** No emergency shelter permitted with approval shall be approved by the Buildings and Safety Engineering Department or the Board of Zoning Appeals on appeal, unless all of the following findings are made:

- (A) That adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided; and
- (B) That adequate measures have been or will be taken to provide ingress and egress designed so as to minimize traffic congestion in the public streets; and
- (C) That the emergency shelter will in other respects conform to the applicable regulations of the district in which it is located.
- (D) That, if the emergency shelter is proposed within or in the immediate vicinity of an area which has a written, approved, and disseminated plan for area development, the establishment of the emergency shelter will not impede the normal and orderly development and improvement of surrounding property for uses permitted in that area.

**42.1305 Conditions for emergency shelters.** Pursuant to the provisions of this ordinance and the State Zoning Enabling Act, the Buildings and Safety Engineering Department may impose reasonable conditions designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the emergency shelter under consideration, residents and landowners immediately adjacent to the proposed emergency shelter, and the community as a whole.

**42.1306 Nonconforming use status of certain shelters for victims of domestic violence.** Shelters for victims of domestic violence, as defined in Section 32.0085 shall not be permitted in R 1, R2, and R3 zoning districts. However, where a shelter for victims of domestic violence, duly recognized by the State of Michigan Domestic Violence Prevention and Treatment Board, has been established in such zoning district and was operated as such a shelter at the time of the enactment of this ordinance amendment, said shelter shall be permitted to continue as a nonconforming use, provided that said shelter shall have secured an occupancy or change of use permit for a shelter for victims of domestic violence within six (6) months of the effective date of this ordinance amendment. Such shelter shall be subject to the restrictions set forth in Article V of this Zoning Ordinance and subject to other applicable ordinances.

47.0108 The amount and location of off-street parking facilities required under Sections 47.0101 and 47.0105 of this Ordinance shall be determined in accordance with the following table. However, off-street

parking facilities required under Section 47.0105 for retail stores, personal service shops, clothing and shoe repair or service shops, business or professional offices (excluding medical or dental clinics), private clubs, lodges, and similar uses, and establishments for the sale and consumption on the premises of alcoholic beverages, food, or refreshments may be located not more than 250 feet from the building or use to be served, said distance to be measured between the nearest point of the off-street parking facility and the nearest point of the building or use to be served.

<b>Use</b>	<b>Parking Requirement</b>	<b>Maximum Distance</b>
Single-family detached dwelling	Two spaces for each dwelling unit	Same Lot
Two-family dwellings	One and one-half space for each dwelling unit	Same Lot
Town houses; multiple-family dwellings	One and one-quarter spaces for each dwelling unit	100'
Lofts	One and one-quarter spaces for each dwelling	100'
Rooming houses	Two spaces for each three guest bedrooms plus one space for each dwelling unit	100'
Emergency shelter, shelter for victims of domestic violence	One space for each two employees	100'
Fraternity houses; sorority houses; dormitories	One space for each five beds	100'
Hotels or motels excepting Non-Profit Single Room Occupancy (SRO) Housing	Three spaces for each four guest bedrooms plus one space for each dwelling unit	100'
Hospitals	One space for each bed	100'
Non-Profit Single Room Occupancy (SRO) Housing	One space for each two employees and one space for each ten residents	100'
Sanitariums, convalescent homes, nursing or rest homes; orphanages or children's homes	One space for each four beds	100'
Theaters; auditoriums	One space for each four seats	500'
Stadia; sports arenas	One space for each six seats	1,000'
Churches; chapels; temples; synagogues	One space for each six seats in the main worship unit	100'

<b>Use</b>	<b>Parking Requirement</b>	<b>Maximum Distance</b>
Dance halls; assembly halls without fixed seats; exhibition halls; roller or ice skating rinks	One space for each one hundred square feet of gross floor area	100'
Bowling alleys	Five spaces for each alley	100'
Medical or dental clinics	One space for each two hundred square feet of gross floor or five spaces for each doctor or dentist, whichever is greater	100'
Banks; savings & loan associations; credit union offices	One space for each two hundred square feet of gross floor area	100'
Business or professional offices	One space for each four hundred square feet of gross floor area	100'
Establishments for the sale and consumption on the premises of alcoholic beverages, food, or refreshments	Having one thousand square feet or less of gross floor area, three spaces required. Having more than one thousand square feet of gross floor area, three spaces plus one space for each additional one hundred square feet in excess of one thousand square feet	100'
Restaurants, standard	A minimum of three parking spaces shall be provided for the first one thousand square feet of gross floor area of the restaurant building, plus one space for each additional one hundred square feet in excess of the first one thousand square feet	100'
Restaurants; fast-food, carry-out, drive-in	A minimum of one parking space shall be provided on site for each one hundred square feet of gross floor area of the restaurant building	100'
Mortuaries or funeral homes	One space for each one hundred square feet of gross floor area plus one space for each dwelling unit	Same Lot

Use	Parking Requirement	Maximum Distance
Retail stores; hardware stores; personal service shops; clothing or shoe repair or service shops	Having less than 1600 square feet of gross floor area, two spaces required. Having 1600 square feet or more but not more than 20,000 square feet of gross floor area, two spaces plus one space for each two hundred square feet of gross floor area over 1600 square feet. Having more than 20,000 feet of gross floor area but not more than 50,000 square feet of gross floor area, 94 spaces plus one space for each 150 square feet over 20,000 square feet of gross floor area. Having more than 50,000 square feet of gross floor area, 294 spaces plus one space for each 100 square feet of gross floor area over 50,000 square feet of gross floor area	100'
Open air sales of nursery stock and related products	One space for each 800 square feet of gross lot area used for open air sales or display plus additional space for any structure utilized for retail sales computed in accordance with the requirements for retail stores	100'
Furniture or appliance stores; motor vehicle sales; boat or trailer sales; machinery sales; household equipment or furniture repair shops	Having less than 1600 square feet of gross floor area, two spaces required. Having 1600 square feet or more of gross floor area, two spaces plus one space for each additional 800 square feet of gross floor area	100'
Motor vehicle body or fender bumping or paint shops; motor vehicle repair garages or service shops	One space for each 300 square feet of gross floor area, and provided, that all required spaces shall be provided outside the principal building	100'
Manufacturing or industrial uses; research or testing laboratories; creameries; soft drink bottling establishments; printing or engraving shops	One space for each 800 square feet of gross floor area, or one space for each three employees, whichever is greater	500'

<b>Use</b>	<b>Parking Requirement</b>	<b>Maximum Distance</b>
Warehouses; storage building; wholesale establishments	One space for each 2400 square feet of gross floor area, or one space for each three employees, whichever is less	500'
Miniature golf courses	Nine spaces for each nine hole miniature golf course plus one space for each hole over nine	100'
Pool or billiard establishments; arcades	One space for each two hundred and fifty square feet of gross floor area	100'
Rebound tumbling centers	One space for each rebound tumbling apparatus	100'
Go-cart tracks	Fifteen spaces for each track	100'
Elementary schools	Three spaces for each two instructional rooms, or one space for each four seats in the main auditorium, whichever is greater	Same Lot
Junior High Schools	Three spaces for each two instructional rooms, or one space for each three seats in the main auditorium, whichever is greater	Same Lot
Senior High Schools	Five spaces for each instructional room, or one space for each two seats in the main auditorium, whichever is greater	Same Lot
Centers or schools for the care, boarding, or teaching of children such as nursery schools, day camps, etc., which do not provide lodging	One space for each two employees	100'
Libraries; museums; non-commercial art galleries	One space for each 400 square feet of gross floor area	100'
Police stations	One space for each 160 square feet of gross floor area	100'
Fire stations	Two spaces for each three	100'

Employees

Use	Parking Requirement	Maximum Distance
Gasoline service station	One space for each service bay, plus one space for each two employees but in no case less than two employee spaces	Same Lot
Rectories, parsonages or parish houses	Three spaces for each four clergymen	Same Lot
Convents; monasteries; nunneries	One space for each ten residents	Same Lot
Marina	One space for each ten Residents	100'
Private clubs, lodges, or similar uses	One space for each 100 square feet of gross floor area	100'
Electric substations; gas regulator stations; telephone exchanges; water works or reservoirs; pumping stations or filtration plants; and similar utility uses	One space for each three employees	Same Lot
Colleges or trade schools	One space for each employee plus one space for each five students based on the maximum number of students that can be accommodated at one time	500'
Governmental Service Agency	One space for each 150 square feet of gross floor area	100'

When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

84.0302 Hospitals, sanatoriums, convalescent, nursing, or rest homes, shelters for victims of domestic violence as defined in Section 32.0085 - the maximum capacity of any shelter shall be specified by the Buildings and Safety Engineering Department.

84.0320 **Emergency shelter**, subject to the provisions of Section 42.1300-42.1305.

85.0113 Hospitals, sanatoriums, convalescent, nursing, or rest homes, shelters for victims of domestic violence as defined in Section 32.0085 - the maximum capacity of any shelter shall be specified by the Buildings and Safety Engineering Department

85.0320 **Emergency shelter**, subject to the provisions of Section 42.1300-42.1305.

86.0109 Hospitals, sanatoriums, convalescent, nursing, or rest homes, shelters for victims of domestic violence as defined in Section 32.0085 - the maximum capacity of any shelter shall be specified by the Buildings and Safety Engineering Department.

86.0320 **Emergency shelter**, subject to the provisions of Section 42.1300-42.1305.

91.0135 Hospitals, sanatoriums, convalescent, nursing, or rest homes, shelters for victims of domestic violence as defined in Section 32.0085 - the maximum capacity of any shelter shall be specified by the Buildings and Safety Engineering Department.

92.0135 Child Caring Institutions, Child Care Centers, and Boarding Schools

Hospitals, sanatoriums, convalescent, nursing, or rest homes, shelters for victims of domestic violence as defined in Section 32.0085 - the maximum capacity of any shelter shall be specified by the Buildings and  
94.0135 Heating plants with underground or indoor fuel storage Child Caring Institutions, Child Care Centers, and Boarding Schools

Hospitals, sanatoriums, convalescent, nursing, or rest homes, shelters for victims of domestic violence as defined in Section 32.0085 - the maximum capacity of any shelter shall be specified by the Buildings and Safety Engineering Department.

94.0320 Establishments for the sale of beer or intoxicating liquor for consumption on the premises, as regulated by Section 66.0000.

Emergency shelter, subject to the provisions of Section 42.1300-42.1305.

95.0135 Heating plants with underground or indoor fuel storage. Hospitals, sanitariums, convalescent, nursing, or rest homes, shelters for victims of domestic violence as defined in Section 32.0085 - the maximum capacity of any shelter shall be specified by the Buildings and Safety Engineering Department.

Hotels, or motels, as regulated by Section 66.0000, excepting Non-Profit Single Room Occupancy (SRO) Housing.

95.0320 Emergency shelter, subject to the provisions of Section 42.1300-42.1305.

118.0235 Hospitals, sanatoriums, convalescent, nursing, or rest homes, shelters for victims of domestic violence as defined in Section 32.0085 - the maximum of any shelter shall be specified by the Buildings and Safety Engineering Department.

**Section 2.** All ordinances, or parts of ordinances, in conflict herewith be and the same are hereby repealed.

**Section 3.** This ordinance is declared necessary for the preservation of the public peace, health, safety and welfare of the people of the City of Detroit and is hereby given immediate effect.

(J.C.C. Pp.	April 12, 1995)
Passed:	April 26, 1995
Approved:	April 28, 1995
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JACKIE L. CURRIE  
City Clerk